

McCormick, Barstow, Sheppard,  
Wayte & Carruth LLP  
David Emerzian, #222930  
*david.emerzian@mccormickbarstow.com*  
H Annie Duong, #319953  
*annie.duong@mccormickbarstow.com*  
7647 North Fresno Street  
Fresno, California 93720  
Telephone: (559) 433-1300  
Facsimile: (559) 433-2300

Attorneys for Creditor  
A.J. EXCAVATION INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**In Re**  
**PG&E CORPORATION**  
**and**  
**PACIFIC GAS AND ELECTRIC**  
**COMPANY,**  
Debtors.

Bankruptcy Cases  
19-30088-DM (Lead Case)  
19-30089-DM

(Jointly Administered)

**A.J. EXCAVATION INC.'S NOTICE OF  
PERFECTION OF LIEN**

(11 U.S.C. §§ 362, 546(b))

☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric  
Corporation  
☒ Affects both Debtors

\*\*All papers shall be filed in the Lead Case  
No. 19-30088 DM

Creditor A.J. EXCAVATION INC., ("AJ"), by and through its undersigned counsel, hereby  
files this notice of perfection, maintenance, and continuation of perfection of its mechanics' lien  
against the Debtors, PG&E Corporation and Pacific Gas and Electric Company ("Debtors") pursuant  
to 11 U.S.C. sections 362(b)(3) and 546(b) ("Notice"). In support of this Notice, AJ represents the  
following:

1. AJ is organized as a California corporation, in the business of performing earthwork,  
grading, paving, foundation, fencing, excavation, maintenance and/or other related construction

1 services, with its principal place of business at 514 North Brawley Avenue, Fresno, California 93706.

2 2. Debtor Pacific Gas & Electric Company (hereinafter "PG&E") contracted AJ to  
3 provide earthwork, grading, paving, foundation, fencing, excavation, maintenance, and/or other  
4 related construction services for the improvement of certain real property owed, or reputed to be  
5 owned, by PG&E, as provided more fully in the prepetition contract (Long Form) (hereinafter  
6 "Contract") . The real property is located at the following address, along with the contract number,  
7 more commonly known as:

8 **Green Valley Substation**  
9 **E/O Green Valley Road, Interlaken, CA 95076**  
10 **Contract #8375**

(hereinafter "Real Property").

11 3. Prior to the bankruptcy petition, AJ furnished such labor, materials, equipment, and/or  
12 supervision for the earthwork, grading, paving, foundation, fencing, excavation, and other related  
13 construction services for the improvement of the Real Property in accordance with the scope of work  
14 contained in the Contract, and as amended by applicable work change orders.

15 4. The principal sum, exclusive of interest and other charges, that is currently due and  
16 owing to AJ for the labor and materials provided to the PG&E pursuant to the Contract is:

17 **\$52,872.30.**

18 5. Bankruptcy Code, 11 U.S.C. section 362(b)(3), provides that:

19 The filing of a petition under section 301, 302, or 303 of this  
20 title...does not operate a stay... under subsection (a) of this section,  
21 of any act to perfect, or to maintain or continue the perfection of, an  
22 interest in property to the extent that the trustee's rights and powers  
23 are subject to perfection under Section 546(b) of this title or to the  
24 extent that such act is accomplished within the period provide under  
25 section 547(e)(2)(A) of this title. 11 U.S.C. § 362(b)(3).

26 6. Bankruptcy Code, 11 U.S.C. section 546(b), provides that:

27 (1) The rights and powers of a trustee under sections 544, 545, and  
28 549 of this title are subject to any generally applicable law that-

(A) permits perfection of an interest in property to be  
effective against an entity that acquires rights in such property  
before the date of perfection; or

(B) provides for the maintenance or continuation of perfection  
of an interest in property to be effective against an entity that

1 acquire rights in such property before the date on which  
2 action is taken to effect such maintenance or continuation.

(2) If –

3 (A) a law described in paragraph (1) requires seizure of such  
4 property or commencement of an action to accomplish such  
5 perfection, or maintenance or continuation of perfection of an  
6 interest in property; and

7 (B) such property has not been seized or such an action has  
8 not been commenced before the date of the filing of the  
9 petition;

10 such interest in such property shall be perfected, or perfection of such  
11 interest shall be maintained or continued, by giving notice within the  
12 time fixed by such law for such seizure or such commencement. 11  
13 U.S.C. § 546(b).

14 7. Pursuant to California Mechanic's Lien law, a claimant must commence an action to  
15 enforce a lien within 90 days after recordation of the claim of lien. Cal. Civ. Code § 8460(a). Because  
16 the Debtors filed their Chapter 11 petition for bankruptcy on January 29, 2019, it created an automatic  
17 stay of all actions, including a claimant's action to enforce a lien. Thus, AJ was prevented from  
18 commencing an action to enforce its liens against the Debtors and perfect its mechanic's liens under  
19 the law.

20 8. Accordingly, AJ hereby gives this notice in lieu of the commencement of any action to  
21 perfect, maintain, or otherwise preserve its mechanics' liens pursuant to 11 U.S.C. § 546(b) and  
22 California Civil Code sections 8460(a), including the recording of a claim of lien, the commencement  
23 of action to enforce the Mechanics' Liens, the filing of a Pendency of Action, and/or the service of  
24 notice on purchasers of production on the Real Property ("Mechanics' Lien"). A true and correct copy  
25 of the Mechanics' Lien is attached hereto as Exhibit "A" and incorporated by reference.

26 9. AJ hereby gives notice it intends to enforce its rights under the Mechanics' Lien to the  
27 fullest extent allowed under the law. This Notice shall not be construed as an admission that such  
28 filing is required or to the necessity of recording, commencement, or seizure. In addition, AJ hereby  
gives notice that it has, or may be entitled to, additional mechanics' liens rights to properties owned  
by the Debtors as they become due and owing according to prepetition contracts with the Debtors for  
the improvement of real property. This Notice shall preserve and continue to preserve any and all of  
AJ's rights as to the Mechanics' Liens and Bankruptcy Code.

10. AJ reserves the right to amend, supplement, or otherwise modify this Notice and reserves any and all rights entitled to it under the applicable law.

Dated: March 7, 2019

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

By: /s/ H. Annie Duong  
David L. Emerzian  
H Annie Duong  
Attorneys for Creditor  
A.J. EXCAVATION INC.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF FRESNO**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am  
4 employed in the County of Fresno, State of California. My business address is 7647 North Fresno  
Street, Fresno, CA 93720.

5 On March 7, 2019, I served true copies of the following document(s) described as **A.J.**  
6 **EXCAVATION, INC.'S NOTICE OF PERFECTION OF LIEN** on the interested parties in this  
action as directed by the Order Implementing Certain Notice and Case Management Procedures issued  
March 6, 2019.

7  
8 **BY ELECTRONIC FILING THROUGH CM/ECF PARTICIPANTS:** Based on the  
Order Implementing Certain Notice and Case Management Procedures, transmission of service  
9 through CM/ECF shall constitute effective service on that Registered Participant. My electronic  
service address service is dawn.houston@mccormickbarstow.com, and I caused the document(s) to be  
10 sent to the persons using the CM/ECF system. I did not receive, within a reasonable time after the  
transmission, any electronic message or other indication that the transmission was unsuccessful.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
true and correct.

12 Executed on March 7, 2019, at Fresno, California.

13  
14  
15 /s/ Dawn Houston  
Dawn M. Houston

# EXHIBIT A

## **NOTICE OF MECHANICS' LIEN ATTENTION!**

Upon the recording of the enclosed MECHANICS' LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics' lien is recorded.

The party identified in the mechanics' lien may have provided labor or materials for improvements to your property and may not have been paid for those items. You are receiving this notice because it is a required step in filing a mechanics' lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics' lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS' LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT [www.cslb.ca.gov](http://www.cslb.ca.gov).

### **PROOF OF SERVICE AFFIDAVIT**

I am a citizen of the United States and employed in Fresno County, California. I am over the age of eighteen (18) years and not a party to the action. My business address is: 514 N. Brawely Ave Fresno CA 93706

On this date I served the foregoing MECHANICS' LIEN on the owners of the property: Pacific Gas & Electric 77 Beale St. San Francisco CA 94105  
(Name & Address of Owner)  
subject to the mechanics' lien:

☒ by placing a true copy thereof enclosed in a sealed envelope, first-class mail postage prepaid, evidenced by a certificate of mailing, to the owner at the owner's or reputed owner's residence or place of business address or at the address shown by the building permit on file with the authority issuing a building permit for the work, or as otherwise provided in Section 8174 of the California Civil Code.

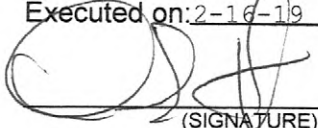
☐ by personally delivering a true copy thereof to the person(s) at the address set forth below:

I declare under penalty of perjury under the laws of the State of California that foregoing is true and correct.

Executed on: 2-16-19

by: Alisa Emmett

(Your Name)

  
(SIGNATURE)



RECORDING REQUESTED BY

A.J. Excavation Inc.  
514 N. Brawley Ave  
Fresno CA 93706

AND WHEN RECORDED MAIL TO:

A.J. Excavation  
514 N. Brawley Ave  
Fresno CA 93706  
Green Valley: 2501606840 CNTR#8735

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MECHANICS' LIEN**

The undersigned A.J. Excavation Inc.

[Name of person or firm claiming mechanics' lien. Contractors use name exactly as it appears on contractor's license]

Claimant claims a mechanics' lien upon the following described real property:

City of Interlaken, County of Santa Cruz, California,  
Green Valley Substation Minto Road, E/O Green Valley Road Interlaken, CA 95076

[General description of property where the work or materials were furnished. A street address is sufficient, but, if possible, use both street address and legal description.]

Phase 1 Yard Expansion @ Green Valley Substation

Contract # 8735 Formerly P.O. #2501606840

The sum of \$ 52,872.30 together with interest thereon

[Amount of claim due and unpaid]

at the rate of 10% percent per annum from February 16th 2019

[Date when balance became due]

is due claimant after deducting all just credits and offsets for the following work and materials furnished by claimant Earthwork / Grading / Wall/ Pond / Substation repairs & Paving

[Insert general description of work or materials furnished]

Claimant furnished the work and materials at the request of, or under contract with

Pacific Gas & Electric

[Name of person or firm who ordered or contracted for the work or materials]

The owners and reputed owners of the real property or leasehold interest are

Pacific Gas & Electric

[Insert name of owner of real property. This can be obtained from the County Recorder]

Firm Name A.J. Excavation Inc.

By: [Signature]  
[Signature of claimant or authorized agent]

Alisa Emmett  
[Printed name of claimant or authorized agent]

514 N. Brawley Ave Fresno CA 93706  
[Address of claimant or authorized agent]

**VERIFICATION**

I, the undersigned, say: I am the President

["President of," "Manager of," "A partner of," "Owner of," etc.]

the claimant of the foregoing mechanics' lien. I have read said claim of mechanics' lien and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/19/2019, at Fresno, California.

[Date of Signature]

[City Where Signed]

[Signature]  
[Personal signature of the individual who is swearing that the contents of the claim of mechanics' lien are true.]

Alisa Emmett- President

[Printed name]





## Contract Change Order

This is Change Order ("CO") No. 03 to Contract No. 8735 (formerly SRM No. 2501606840) dated 07/19/2017 between the below-named Contractor ("Contractor"), a California corporation, and Pacific Gas and Electric Company ("PG&E"), a California corporation with its headquarters located at 77 Beale Street, San Francisco, California 94105. Contractor shall perform all Work under this Contract, as amended by this Change Order, pursuant to and in accordance with the terms and conditions of the Contract.

<b>Contractor's Legal Name:</b>	A. J. Excavation, Inc.	This Contract Change Order consists of 4 page(s).
<b>Contractor's Address:</b>	9662 W. Kearney Blvd. Fresno, CA 93706	
<b>Project Name:</b>	Phase 1 Yard Expansion @ Green Valley Substation	
<b>Job Location:</b>	Green Valley Substation, Minto Road, E/O Green Valley Road, Interlaken, CA 95076	

### CHANGES: The Parties hereby modify the Contract referenced above as follows:

Change Order No. 3 issued to increase the total contract value by Not-to-Exceed total Amount of \$86,872.50 for:

- 1.0 Provide and install two (2) of Item T-77 Dead End Foundations and include hand excavation as needed due to close proximity to energized equipment. **2@\$2,761.20 = \$5,522.40**
- 2.0 Remove and dispose approximately three thousand two hundred (3,200) square feet of existing A/C roadway which is required for the install of phase I & phase II foundations, conduits and grounds. **3,200SF@\$1.25 = \$4,000.00**
- 3.0 Import and place seven hundred (700) tons of baserock where directed by PG&E onsite Work Supervisor Duane Marler or designee in charge. **700T@\$58.00 = \$40,600.00**
- 4.0 Perform an additional one hundred and thirty (130) tons of foundation demo and dispose. **130T@\$225.00 = \$29,250.00**
- 5.0 Excavate and install approximately eighty (80) linear feet of conduit in order to support AT&T fiber installation to MPAC. **Time and Expense NTE \$7,500.00**
- 5.1 PG&E to supply all materials.

This Change Order is signed as of the latest signature date below; provided that the Parties specifically agree that this Contract shall be deemed to have been in effect continuously and without interruption since the original effective date of **07/19/2017**.

**ATTACHMENTS: The following are attached to this Contract Change Order and incorporated herein by this reference.**

Attachment 1 – Exhibit 1A, @ Pages

<b>PRICING CHANGES:</b>	Previous Total Contract Value:	\$2,373,323.44
	Addition or Deduction:	\$86,872.50
	Revised Total Contract Value:	\$2,460,195.94

**All other terms and conditions of the Contract, as it may have been amended by previous Contract Change Order(s), if any, shall remain the same.**

**THE PARTIES, BY SIGNATURE OF THEIR AUTHORIZED REPRESENTATIVES, HEREBY AGREE TO THE TERMS OF THIS CONTRACT CHANGE ORDER.**

PACIFIC GAS AND ELECTRIC COMPANY		CONTRACTOR: A. J. EXCAVATION, INC.	
<b>Signature</b>	DocuSigned by:  A012C62C8FC147C...	<b>Signature</b>	DocuSigned by:  76DCCB576A384DB...
<b>Name</b>	Richard Cordova	<b>Name</b>	Alisa Emmet
<b>Title</b>	Sourcing Portfolio Manager	<b>Title</b>	Alisa Emmett President
<b>Date</b>	12/11/2018	<b>Date</b>	12/11/2018

AJ Excavation Inc.

Fresno, CA 93706

O#559-408-5908

F #559-354-0639

# Invoice

Date	Invoice #
11/15/2018	2018-1033

Bill To
Pacific Gas & Electric P.O. BOX 7760 San Francisco, CA. 94120

P.O. No.	Terms	Project
2501606840		Green Valley Sub 17-180

Quantity	Description	Rate	Amount
	Billing #12 For work completed at Green Valley Substation	52,872.30	52,872.30
		<b>Total</b>	\$52,872.30





# Pacific Gas and Electric Company<sup>(F)</sup>

Company Name	AJ Excavation
Contact Name	Keith Gruver
Contact Phone	559-577-2231
Contact Email	keith@movendirt.com

Job Description:	Green Valley Sub_BAAH Phase 1
CWA #:	2501606840

Item #	Description Of Work	QTY in Scope	Unit of Measure	QTY Remaining	QTY Complete
1	Install 2 Item# 24 Service Station Transformer Support Foundations	2.10	CY	0.00	0.00
2	Install 2 Item# 25 Dead End Structure Foundations-Arrgt. 11	11.18	CY	11.18	0.00
3	Install 12 Item# 39 Air Switch Structure Support Foundations	13.20	CY	0.00	4.40
4	Install 2 Item# 40 Dead End Structure Foundations	11.76	CY	0.00	0.00
5	Install 3 Item# 41 Dead End Structure Foundations	17.64	CY	0.00	0.00
6	Install 16 Item# 42 Bus Support Structure Foundations	36.32	CY	9.08	4.54
7	Install 5 Item# 43 Insulator Support Pole Structure Foundations	8.65	CY	1.73	1.73
8	Install 16 Item# 44 Bus Support Structure Foundations	17.60	CY	0.00	4.40
9	Install 14 Item# 45 HVCB Structure Foundations-Type 10 Price	52.50	CY	18.75	0.00
10	Install 36 Item# 46 Air Switch Structure Foundations	39.60	CY	4.40	8.80
11	Install 8 Item# 47 Bus Support Structure Foundations	13.84	CY	0.00	3.46
12	Install 6 Item# 48 Dead End Structure Foundations	35.28	CY	0.00	0.00
13	Install 40 Item# 49 Air Switch Structure Foundations	44.00	CY	8.80	4.40
14	Install 10 Item# 50 Bus Support Structure Foundations	17.30	CY	3.46	3.46
15	Install 6 Item# 51 Dead End Structure Foundations	35.28	CY	0.00	0.00
16	Install 2 Item# 52 Dead End Structure Foundations	11.76	CY	11.76	0.00
17	Install 20 Item# 53 Air Switch Structure Foundations	22.00	CY	4.40	0.00
18	Install 16 Item# 54 Bus Support Structure Foundations	36.32	CY	9.08	4.54
19	Install 5 Item# 55 Insulator Support Pole Structure Foundations	8.65	CY	1.73	0.00
20	Install 20 Item# 56 Air Switch Structure Foundations	22.00	CY	4.40	0.00
21	Install 6 Item# 57 Dead End Structure Foundations	35.28	CY	0.00	0.00
22	Install 2 Item# 58 Dead End Structure Foundations	11.76	CY	11.76	0.00
23	Install 4 Item# 59 Air Switch Structure Foundations	4.40	CY	0.00	0.00
24	Install 2 Item# 60 Dead End Structure Foundations	11.64	CY	0.00	0.00
25	Install 6 Item# 61 Bus Support Structure Foundations	10.38	CY	10.38	0.00
26	Install 74 Item# 62 Operating Platform Structure Foundations	74.00	CY	26.00	0.00
27	Install 7 Item# 63 Pull Boxes Purchased From Oldcastle Precast	7	EA	0	0
28	Install 23 Item# 64 Insulator Support Pole Structure Foundations	41.86	CY	1.82	5.46
29	Install 2 Item# 65 Dead End Structure Foundations	11.64	CY	11.64	0.00
30	Install 1 Item# 66 Cabinet Support Foundation-Type 2	0.76	CY	0.00	0.00
31	Install 1 Item# 67 Cabinet Support Foundation-Type 2	0.76	CY	0.00	0.00
32	Install 1 Item# 68 gate Support Foundation-Elevation C	1	EA	1	0
33	Supply & Install 59 Item# 70 Barrier Fence Posts (Fixed)	59	EA	59	0
34	Supply & Install 4 Item# 71 Vehicle Guard Posts	4	EA	4	0
35	Install 5 Item# 72 Lighting Standards	5	EA	4	0

Page# 1



# Pacific Gas and Electric Company<sup>(12)</sup>

Item #	Description Of Work	QTY in Scope	Unit of Measure	QTY Remaining	QTY Complete
36	Install 1 Item# 73 Lighting Standards	1	EA	1	0
37	Install 2 Item# T79 Dead End Structure Foundations	4.72	CY	0	0.00
38	Install 2 Item# 81 Feeder Structure Foundations-Type 1	2.10	CY	0.00	0.00
39	10 - Item# 2 Bus Support Structure Foundations	10	EA	0	0
40	3 - Item# 5 Operator Support Structures	3	EA	0	0
41	1 - Item# 21 Bus Support Structure Foundations	1.05	CY	0	0.00
42	Item# 22 Bus Support Structure Foundation	1.05	CY	0	0.00
43	2 - Item# 14 Bus Support Structure Foundations	2.10	CY	0.00	0.00
44	3 - Item# 18 Insulator Support Structure	1.00	CY	0.00	0.00
45	8 - Item# 19 Switch Support Structure	3.76	CY	0	0.00
46	16 - Item# 20 Operator Switch Support Structure	16	EA	0	0
47	6 - Item# 21 Operator Switch Support Structure	6	EA	0	0
48	2 - Item# 23 Bus Support Structure Foundations	2.10	CY	0.00	0.00
49	2 - Item# 29 Operator Switch Support Structure	2	EA	0	0
50	16 - Item# 30 Switch Support Structure	16.80	CY	0.00	0.00
51	3 - Item# 31 Circuit Breaker Support Structure	9.00	CY	0.00	0.00
52	6 - Item# 32 CCVT Support Structure	5.22	CY	0	0.00
53	Item# 33 Bus Support Structures	6.30	CY	0.00	0.00
54	2 - Item# 34 Pull Boxes	2	EA	0	0
55	3 - Item# 35 Switch Support Structure	1.00	CY	0.00	0.00
56	2 - Item# 36 CCVT Support Structure	2.10	CY	0.00	0.00
57	1 - Item# 37 Circuit Breaker Support Structure	3.75	CY	0	0.00
58	1 - Item# 38 Circuit Breaker Support Structure	3.75	CY	0	0.00
59	Rough Grade Yard Expansion, cut/fill & grubbing. Import, surveying, water, compaction, off haul, etc.	1	LS	1	0
60	Subcontracting Survey	1	LS	0	0
61	Final Grading Bringing Yard Expansion Area to Approx Grade	20,930	SF	16,930	0
62	Contractor to Install 8' Tall Non-Conductive Fencing	180	LF	94	0
63	Contractor to Install 8' Tall New 3/8" Fabric Fencing with V-Shape & Barb Wire	1,796	LF	1,456	0
64	Replacement of 20' Double Swing gate Post, hardware & Lock	1	EA	1	0
65	Supply and Install New Standard 10' Swing Gate at SE Corner	1	LS	1	0
66	Supply and Install New Standard 32' Double Rolling Door Gate	1	LS	1	0
67	Contractor to Remove and Dispose of Old Standard Fence with Fabric & Posts	435	LF	0	0
68	Provide Fencing to Secure Substation	400	LF	0	0
69	Crew / Equipment Mobilization	1	LS	0	0
70					
71					





**Pacific Gas and  
Electric Company** <sup>(P)</sup>

Sr. Inspectors Name			
PG&E	Jeff Bryan	<i>Jeff Bryan</i>	Date 11/9/2018
AJ Excav.	Felix Escobar	<i>Felix Escobar</i>	Date 11/9/2018